

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Reexamination of the Comparative) MM Docket No. 95-31
Standards)
for New Non-commercial Educational)
Applicants)
)

To the Commission:

**Formal Comments of Nikolaus E. Leggett
On the Topic of an Application Limit for
NCE FM New Station Applications**

I am one of the original petitioners for the establishment of the Low Power FM (LPFM) radio broadcasting service (RM-9208 July 7, 1997 subsequently included in MM Docket 99-25). I am also a certified electronics technician (ISCET and NARTE) and an Extra Class amateur radio operator (call sign N3NL). I am an inventor holding three U.S. Patents. My latest patent is a wireless bus for digital devices and computers (U.S. Patent # 6,771,935). I have a Master of Arts degree in Political Science from the Johns Hopkins University. I am also one of the petitioners in the recent docket to establish a low power radio service on the AM broadcast band (RM-11287).

Application Limit for Educational Station Applications

I strongly support the proposed limit of 10 applications for each organization submitting applications for non-commercial educational (NCE) FM broadcast station licenses. This limit should apply to all NCE stations

including full-power stations and low power FM (LPFM) stations.

One of the great disappointments in radio broadcasting is large organizations taking over numerous licenses and displacing the local community groups that want to operate their own radio stations. This dominance by large organizations has defeated some of the purpose of educational broadcasting. LPFM in particular was intended for individual communities to serve themselves with their own FM broadcast station. These communities are now blocked from having access to broadcasting.

A limit on applications would restrict the dominance of educational broadcasting by a few very large organizations.

An Even Stricter Limit

The Commission should consider establishing an even stricter limit on the number of applications that an organization can file. For example, a limit of two or three applications would be even better than a limit of ten applications. This is because the Nation needs much more diversity and localism in its non-commercial educational stations.

A Possible Alternative to a Limit on Applications

If the Commission decides that it cannot or should not limit applications for NCE stations, it should consider opening portions of the millimeter wave spectrum to local broadcast stations. This spectrum has so much capacity that it would allow communities and neighborhoods the opportunity to establish broadcast stations despite the efforts of large

organizations (both religious and secular) to dominate the broadcasting medium.

In the localism docket (MB Docket No. 06-121), I proposed a technology and protocol for millimeter wave broadcasting.

Requested Action

The Commission should establish a limit of ten applications per organization applying for non-commercial educational licenses. Also, the Commission should conduct a detailed study of the related subject of commercial license auctions, the impacts of such auctions, and the Constitutionality of license auctions.

Respectfully submitted,

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